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C O N F I D E N T I A L SECTION 01 OF 03 KINSHASA 000264

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SUBJECT: GDRC-CNDP AGREEMENT IMMINENT

Classified By: Ambassador William J. Garvelink for reasons 1.4 (B) and (D)

¶1. (C) Summary: We met in Goma last week with an influential Congolese clergyman who is close to the GDRC delegation involved in the Obasanjo/Mkapa-facilitated talks. He said the GDRC and CNDP were hard at work on an agreement which could be wrapped up soon (Note: Post subsequently learned from MONUC that SRSG Alan Doss would fly to Goma March 23 to witness the signing of an agreement. End Note). The talks reportedly closed in on a series of specifics deriving from the current CNDP list of demands. The clergyman provided some interesting history on the Nairobi talks, which helped to fill in a number of blanks. The negotiations in Nairobi originally got off to a poor start. He said the GDRC delegation was of the opinion that the Mediation had ascribed to itself in Nairobi a disturbingly broad mandate to reshape the DRC's political and constitutional order. The CNDP position paper was characteristically grandiose, demanding fundamental constitutional changes in favor of some kind of extreme federalism, international border revisions, the elimination of corruption, and many other items that the GDRC felt were completely outside the negotiations' framework. When the Rwandans stepped in and restructured the CNDP, everything changed. The GDRC sees the new CNDP delegation as far more businesslike, with demands that are generally reasonable and within the terms of reference. The clergyman commented at the time that the current crisis surrounding DRC National Assembly President Vital Kamerhe would not hamper progress on the talks. End Summary.

Status of Talks

¶2. (SBU) We met in Goma last week with an influential Congolese clergyman who is and has been close to the GDRC delegation involved in the talks facilitated by the UN's Olusegun Obasanjo and the AU's Benjamin Mkapa. He said the GDRC and CNDP are hard at work on an agreement which could be finalized soon (Note: Post subsequently learned from MONUC that SRSG Alan Doss would fly to Goma March 23 to witness the signing of an agreement. End Note). The clergyman intimated that the GDRC had been pushing for an agreement that, while specifically covering CNDP demands, could, like the Goma agreements ("Actes d'engagement"), be signed as a general "statement of cessation of hostilities" by all the Kivu armed groups.

¶3. (C) The talks reportedly closed in on a series of specifics deriving from the current CNDP list of demands (Comment: While these latter may be couched in "Rwandophonie" rhetoric, they seem to have been pared down to matters that were of direct concern primarily to North Kivu Tutsis. End Comment). At the time of the meeting, the clergyman was relatively confident that the CNDP delegation (led by Desire Kamanzi and Jean Munyapenda) would sign on to

such an agreement, although he was concerned as to whether the Mediation would agree to put its imprimatur on it. This list includes the following demands:

-- Power-sharing: In addition to assurances of further provincial-level appointments, there will be jobs for CNDP supporters with the central government, parastatals, and the soon-to-be-revived Community of Great Lakes Countries (CPGL).

At the territorial level, most CNDP-appointed local officials, chiefs, policemen, etc. will be integrated into overall structures, usually by being confirmed in their current positions.

-- Political rights for "minorities:" There will be some kind of undertaking to ensure, perhaps by means of appointed seats, that previously-underrepresented ethnic minorities have a presence in the Provincial Assembly and Cabinet regardless of election outcomes.

-- Military integration: The key issue was commissions for officers. The GDRC refused to give blanket assurances of rank transferability. The agreement will apparently provide for a joint commission to review the qualifications and experience of individual CNDP officers and make recommendations both for commissions and actual assignments for each individual.

-- IDP return: This is to be encouraged and completed as expeditiously as possible. Joint delegations of GDRC, CNDP, traditional leaders, and civil society representatives will be deployed to the camps to lead this effort.

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-- Refugee return: This was more complex, requiring tripartite agreements and considerable advance preparation in the camps and in the areas of return. A series of committees will be put together for screening and troubleshooting, especially with respect to land issues, with participation from traditional chiefs, civil society, and churches. The agreement was likely to make a specific appeal for international donor support for actions to be undertaken under this clause.

-- Police issues: This was also a complex issue. The CNDP had consistently demanded that the PNC (national police force) be replaced in southern North Kivu by what would in effect be local, ethnically-based forces. The GDRC will not countenance this type of police force. The most recent counterproposal was that some kind of unarmed auxiliary police would be stood up and composed, for a limited time only, of local community members who would be tasked particularly with assisting refugee return and ensuring that any local security problems are properly identified and addressed before they get out of control. The force would be deployed alongside the mainstream PNC and its members would be phased out or integrated into the PNC once the refugee return was deemed to have been successfully completed.

-- "Total amnesty:" This was the toughest issue of all which, if agreed, would allow Nkunda to return safely. The GDRC has, however, made it clear that no amnesty agreement can cover Nkunda himself, though it was still willing to move forward with limited amnesty. At the same time, the delegation had reportedly been under instructions to give off-the-record assurances that the GDRC will not push the Rwandans too hard on the issue of Nkunda's extradition.

Evolution of the Talks

¶4. (C) The clergyman provided some interesting background on the Nairobi talks that, if true, fills in a number of blanks. He said that the GDRC delegation believed that the Mediation had ascribed to itself a disturbingly broad mandate to reshape the DRC's political and constitutional order. They

noted, as evidence, the fact that President Mkapa had been involved in enhancing Zanzibar autonomy and that General Sumbeiywo had been involved in the Sudan peace process, leading to Southern Sudan's autonomy. Obasanjo seemed to them to be on a mission that would involve forcing the DRC to accept limitations on its sovereignty, sweeping changes in its constitutional arrangements, and possibly some kind of territorial reconfiguration.

¶5. (C) The negotiations originally got off to a poor start. The CNDP position paper was characteristically grandiose, demanding fundamental constitutional changes in favor of some kind of extreme federalism, international border revisions, the elimination of corruption, and many other items that the GDRC felt were completely outside the negotiations' framework. The GDRC apparently clearly stressed these views, but Obasanjo reportedly insisted on taking all such claims seriously, accepting for discussion any CNDP demand. At one point, the clergyman, present for the talks, spoke informally to Bertrand Bisimwa of the CNDP and asked what they really wanted. Bisimwa's answer was direct: "to bring down Kabilia."

¶6. (SBU) According to the clergyman, when the Rwandans stepped in and restructured the CNDP, everything changed. The GDRC sees the new CNDP delegation as far more businesslike, with demands that are generally reasonable and within the terms of reference. The GDRC believes that the new delegation members are serious interlocutors with a specific agenda that can be understood and discussed.

Effect of National Assembly Crisis

¶7. (SBU) The clergyman commented on whether the current crisis surrounding National Assembly President Vital Kamerhe, who is from South Kivu, could somehow destabilize the process, either at the level of the national negotiating team (by somehow altering existing balances in Kinshasa that seem to favor the present process) or at the South Kivu or Bukavu-specific level (discrediting a process that had been sponsored by the city's most prominent son). He replied that Kamerhe had overplayed his hand in that, given the overwhelming power of the presidency, it had been an error to

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risk damaging the nascent National Assembly's prestige in a confrontation that Kamerhe must have known that he could not win. Kamerhe, therefore, was being judged accordingly by his compatriots in Bukavu, who saw him as someone who gambled, misjudged his timing, and then failed to back down quickly enough. Although Bashi in the street will regret "losing the National Assembly" when Kamerhe goes, the blowback with respect to the peace process will be minimal, in the clergyman's opinion.

¶8. (C) Comment: The clergyman's comments suggest that some kind of final GDRC-CNDP agreement will be worked out soon, provided, that is, that the GDRC and CNDP do not revert to form by raising last-minute deal breakers or previously-undiscussed issues. He was right, given reports just in that the signing of an agreement is imminent. On another level, this contact's meeting with us appears to have been driven by the Government's desire to get to us first with a preliminary appeal for international understanding and support should the negotiations break down. It was also an attempt to paint the talks, and the Government's role in same, in the most positive light possible. The GDRC clearly wants to conclude this process as quickly as possible in order to accelerate the demise of the CNDP, as disaffected members of that organization, particularly disgruntled Nkunda loyalists, could still take up arms and return to the bush.
End comment.

GARVELINK